



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

Diane M. Sugimura, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE

Application Number: 2202332

Applicant Name: John Sproule Architect, for Alki Development
LTD

Address of Proposal: 1790 Alki Avenue SW

SUMMARY OF PROPOSED ACTION

Shoreline Substantial Development Permit to establish use for future construction of five, two-story ground related structures containing six (6) residential units¹ over an underground garage for 12 vehicles. Project includes future demolition of existing structures.

The following approvals are required:

Design Review pursuant to Seattle Municipal Code (SMC), Chapter 23.41

Shoreline Substantial Development Permit – to allow multi-family residences in a UR
Shoreline Environment pursuant to SMC, Chapters 23.60.020 and 23.60.546

SEPA - Environmental Determination pursuant to SMC, Chapter 25.05

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

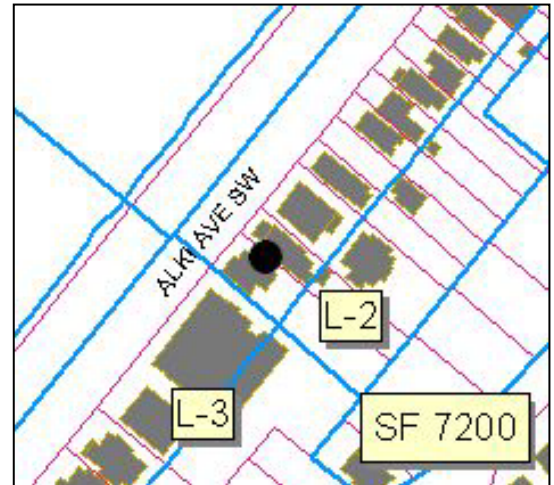
☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

¹ Multi-family Residential Density Standard for this site would allow for 13 dwelling units. Refer to SMC 23.45.008

BACKGROUND INFORMATION

The project is located on the southeastern side of Alki Avenue SW, just northeast of the Alki Shores Apartments, and is zoned Multi-family Residential Lowrise 2 (L2) with a shoreline designation of Urban Residential (UR). The site has seventy-seven (77) feet of street frontage with two hundred (200) feet of lot depth, the northwestern half of the site is relatively flat and the southeastern half of the site exceeds a 40% rising slope that is vegetated and wooded with several mature cedar trees. Currently on the site are two residential structures and an accessory structure to be demolished. The proposal is for five (5) ground related buildings containing six (6) residential units built over a partially underground parking garage.



Vicinity

Northeast of the subject site are two two-story residential structures; further northeast and southeast is a mix of one-story, two-story and three-story residential structures. Southwest of the subject site is a four-story apartment structure; further southwest is a mix of one-story, two-story and three-story residential structures.

PUBLIC COMMENT:

This project was the subject of Early Design Guidance (EDG) public meeting held on July 11, 2002 and Recommendation meeting held on November 14, 2002. On October 1, 2002 the applicant applied for a Master Use Permit (MUP).

No written comments were received during the Master Use Permit comment period that ended on November 29, 2002.

Seven members of the public attended the first Design Review meeting and two member of the public attended the second Design Review meeting and expressed the following:

- Recognize that redevelopment of the site should be done with respect for the privacy of the adjacent residents and for the light and air currently enjoyed by the adjacent residents.
- Recognize that redevelopment of the site should be done with a minimal number of trees removed.
- Recognize that redevelopment of the site should include high quality landscaping and open space.
- One attending member of the public expressed a strong preference that the front setback should be greater than what the land use code requires.

ANALYSIS - DESIGN REVIEW

Design Guidance

After visiting the site, considering the analysis of the site and context provided by the proponents and hearing public comment, the Design Review Board members provided the siting and design guidance described below. Each of the design guidelines of highest priority for this project are identified by letter and number in accordance with the siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*".

The Design Review Board reviewed the final project design on November 14, 2002, at which time site plans, landscaping plans and floor plans, as well as elevations, were presented for the members' consideration.

Note: Following each guideline is the Early Design Guidance provided by the Board followed by the subsequent *Final Recommendations distinguished by italic text*.

ARCHITECT'S PRESENTATION

At the Early Design Guidance (EDG) meeting the architect presented his site design analysis and development objectives to the Board and public, using a photo montage, vicinity map, and massing diagram on the existing development conditions, plus three development alternatives; a courtyard plan, a townhouse plan and an apartment plan. In the process of responding to clarifying questions by the Board and responding to public comments, it became apparent that the most sensitive development option for the site would be a townhouse plan with courtyard areas constructed over a partially underground parking garage, with many of the existing trees on the site retained. The design presented at the Final Design Recommendation meeting further defined the townhouse/courtyard plan and responded to the guidance provided by the Board's earlier suggestions. Noteworthy of the Board's guidance is its concern with the relationship of the project to the neighboring Alki Shore Apartments and the project's relationship with the Alki streetscape.

A: Site Planning

A-4 Human Activity. New development should be sited and designed to encourage human activity on the street.

At the EDG meeting, the Board requested that the architect provide the details for the proposed streetscape for Alki and present a conceptual streetscape axonometric sketch for the site and adjacent sites. Among the concerns expressed were how the front setback for Buildings 1 and 2 comply with the land use code, how the ground levels and upper levels for Buildings 1 and 2 will be sited and designed to encourage human activity on the street, and how this development will influence future development of the northeastern sites. It is the expectation that this project will become "the signature on Alki" and will "override a very ugly façade that exists southwest of the site."

At the recommendations meeting, the Board reviewed the proposed streetscape plan and location and design of the proposed buildings on the site and their influence on Alki Avenue SW

and the adjacent properties. Overwhelmingly they expressed their approval of the setbacks and street facing façade treatments for Buildings 1 and 2; and the relationship of Buildings 3 and 4 on northeastern site and the Alki Shore Apartments to the southwest. Refer to MUP Drawings AP 00, AP 3, AP 5, AP 5c, AP 5e and AP 16.

As the Board expected, the quality of materials proposed and the articulated elements for Buildings 1 and 2 at the ground and upper levels, and the vertical modulation of Buildings 3 and 4; plus the courtyard design and driveway access have met or exceeded the guidance and recommendations for encouraging human activity on the street. Refer to MUP Drawings AP 5c, AP 5e, AP 16 and A1.2.

A-5 Respect for Adjacent Sites. Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

At the EDG meeting, the Board requested that the architect provide a modified courtyard plan that demonstrates that there is a minimal disruption on privacy and outdoor activities on the adjacent northeastern and southwestern sites. The plan should show the shadowing and natural lighting between the courtyard buildings as proposed and as modified by aligning the upper façade of Building 4 with the easterly edge of the upper balconies on the Alki Shores Apartments. A majority of the Board expressed a preference that the courtyard development maintains a symmetrical design.

At the recommendations meeting, the Board reviewed the proposed courtyard plan and found there would minimal disruption on privacy and outdoor activities on the adjacent northeastern and southwestern sites. Shadowing and natural lighting between the courtyard buildings as proposed has been aligned with the upper façade of Building 4 with the easterly edge of the upper balconies on the Alki Shores Apartments. The Board preference of a symmetrically designed courtyard development has been maintained. Refer to MUP Drawings AP 5c, AP 5e, AP 10, AP 11, AP 14A and AP 14B.

B-1 Height, Bulk and Scale Compatibility. Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.

At the EDG meeting, the Board requested that the architect provide a plan that shows Building 4 vertically modulated and stepped back from the lower residential portion of the building, where there would be a minimal reduction on the light and air quality currently enjoyed by residents of the southwestern site.

The majority of the Board also requested to see an interesting/bold architectural form for the buildings that reflect quality materials that have some substance. They also requested quality and human scale elements for the courtyard, with perimeter landscaping be designed and

developed in a manner that mitigates height, bulk and scale of the development on the adjacent sites.

See item E-1 below for related comments.

At the recommendations meeting, the Board reviewed the proposed plan for Building 4 vertical modulation and the resulting setback from the lower residential portion of the building. In their opinion there is a minimal reduction on the light and air quality currently enjoyed by residents of the southwestern site and the Board accepts the siting of the structures as they relate to the adjacent sites. Refer to MUP Drawings AP 5b, AP 10, AP 11, AP 14A, AP 14B and A1.2.

The Board was pleased to see an interesting/bold architectural form for the buildings that reflects quality materials that have some substance. The quality and human scale elements of the courtyard and perimeter landscaping have been designed in a manner that mitigates height, bulk and scale of the development on the adjacent sites. Refer to MUP Drawings AP 5c, AP 5e, AP 16, L-1 and L-2.

See item E-1 below for related comments.

C. Architectural Elements and Materials

C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

While the Board did not elaborate on this item at the EDG meeting, the architect was directed to pay attention to the architectural characteristics of surrounding historic buildings to help the new buildings be more compatible with their neighborhood.

See items A-4, A-5 and B-1 above. Refer to MUP Drawing AP 3, AP 5, AP 5c and A1.1.

C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

While the Board did not elaborate on this item at the Early Design Guidance meeting, the architect was directed to address this at the recommendations meeting.

See items A-4, A-5 and B-1 above. Refer to MUP Drawings AP 5c and AP 16.

C-5 Structured Parking Entrances. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

While the Board did not elaborate on this item at the Early Design Guidance meeting, the architect was directed to address this at the recommendations meeting.

See items A-4, A-5 and B-1 above and D-3 and D-4 below. Refer to MUP Drawings AP 5c, AP 5d, AP 5e, AP 6 and AP 16.

D. Pedestrian Environment

D-3 Retaining Walls. Retaining walls near a public sidewalk that extend higher than eye level should be avoided where possible. Where high retaining walls are unavoidable, they should be designed to reduce their impact on pedestrian comfort and to increase the visual interest along the streetscape.

While the Board did not elaborate on this item at the Early Design Guidance meeting, the architect was directed to address this at the recommendations meeting.

At the recommendations meeting, the Board reviewed the proposed retaining walls on Alki Avenue SW and accepts the design of the retaining/parking garage entrance as a reduced impact on pedestrian comfort and increased visual interest along the streetscape. Refer to MUP Drawings AP 5c and AP 5e.

D-4 Design of Parking Lots Near Sidewalks. Parking lots near sidewalks should provide adequate security and lighting, avoid encroachment of vehicles onto the sidewalk, and minimize the visual clutter of parking lot signs and equipment.

At the EDG meeting, the Board asked for more details on the access for the parking garage entrance and the security and lighting that would be used along Alki Avenue SW.

At the recommendations meeting, the Board reviewed the proposed parking garage entrance and was pleased with the minimized encroachment of vehicles onto the sidewalk and the security and lighting along Alki Avenue SW. Refer to MUP Drawings AP 5c, AP 5d, AP 5e, AP 6 and AP 16.

D-6 Screening of Dumpsters, Utilities and Service Areas. Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

While the Board did not elaborate on this item at the Early Design Guidance meeting, the architect directed to address this at the recommendations meeting.

At the recommendations meeting, the Board reviewed the proposed plan and accepts the siting of the trash dumpster within the underground garage. Refer to MUP Drawing AP 13.

E: Landscaping

E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites.

At the EDG meeting, the Board requested that the architect provide a plan that details the landscaping for the courtyard/garage lid. How landscaping is provided for the top of the lid of the underground garage will be critical in determining how successful the buildings designed for the site will be.

At the recommendations meeting, the Board spent a considerable amount of time reviewing the proposed plan and commenting on the critical details of the landscaping for the courtyard/garage lid, streetscape, and the influence landscaping has on the adjacent sites. In order for the design of the site to be successful, long-term high quality landscape maintenance and preservation will be necessary and should be articulated in the form of a Declaration of Covenants, Conditions and Restrictions for use of the site. Refer to MUP Drawings AP 5c, AP 5e, AP 16, A1.2, L-1 and L-2.

E-2 Landscaping to Enhance the Building and/or Site. Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.

At the EDG meeting, the Board requested that at the architect provide a plan that details the quality of open space and articulation between the opposing walls for the courtyards areas. See item B-1 above for related comments.

See item E-1 above.

E-3 Landscape Design to Address Special Site Conditions. The landscape design should take advantage of special on-site conditions such as high-bank front yards, steep slopes, view corridors, or existing significant trees and off-site conditions such as greenbelts, ravines, natural area, and boulevards.

At the EDG meeting, the Board requested that the architect provide a plan that shows Building 5 and the scale relationship with the adjacent trees. Plans for the building should show roof forms that are interesting and appropriate as viewed from the building and from the courtyard. Also requested is an assessment report for the existing significant trees and a shade diagram for those trees. See B-1 above for more details on the shade diagram.

At the recommendation meeting, the Board reviewed the proposed plan for Building 5's scale relationship with the adjacent trees. The plans for the building shows roof forms that is interesting and appropriate as viewed from the building and from the courtyard. Refer to MUP Drawings AP 5b, A1.2, L-1, L-2 and A4.3.

DEVELOPMENT STANDARD DEPARTURE

The architect requested an increase in lot coverage, a reduction in the minimum and average side setbacks, and eaves greater than eighteen (18) inches into the required setbacks.

Departure Matrix

| DEVELOPMENT STANDARD REQUIREMENT | REQUEST/ PROPOSAL | JUSTIFICATION | ACTION |
|--|---|--|-----------------|
| Lot coverage-Lowrise zones. 23.45.010. The maximum lot coverage permitted for principal and accessory structures shall be. The lot size is 77' wide by 200' deep, a lot area of 15,400 sq. ft. Fifty (50) percent for townhouses, an area of approximately 7,700 sq.ft. Forty (40) percent for all other structures, an area of approximately 6,160 sq.ft. | Proposing fifty-nine (59) percent, with five (5) ground related buildings and a partially underground parking garage, a combined area of approximately 9,086 sq.ft. | A partially underground parking garage allows for More landscaping for the site Less visual impacts of vehicles Less noise impact from surface parking Screened integrated services Improved safety | APPROVED |
| Side Setback Req. 23.45.014C. The minimum side setback shall be seven (7) feet per Table 23.45.014A The average side setback shall be fifteen (15) feet per Table 23.45.014A | Proposing five (5) feet Proposing seven (7) feet | Courtyard Concept Allows for Improved privacy Reduced entry/drive conflict Builds on Alki character Improved entry identity Improve landscaping More useable open space | APPROVED |
| Projections into required setbacks. 23.45.014.F. Eaves may project a maximum of eighteen (18) inches into any required setback. | Proposing twenty-four (24) inches into any required setback | Extra overhang allows for better architectural scale and character. | APPROVED |

DECISION - DESIGN REVIEW

Director's Analysis

Four members of the Southwest Design Review Board were in attendance at the Board meeting held on November 14, 2002; and provided recommendations to the Director and identified elements of the Design Guidelines which are critical to the project's overall success. Thus, the Director must provide additional analysis and then accept, deny or revise the Board's recommendations pursuant to SMC 23.41.014.F.3.

The Design Review Board reviewed the project in light of the above elements and issued their recommendations as noted above. The Board's recommendation to approve the requested design departures is consistent with the Design Guidelines. The specifics of site planning, building modulation, building materials and landscaping support a high-quality, functional design responsive to the neighborhood's unique conditions. The Director agrees with the Design Review Board's conclusion that the proposed project results in a design the meets the intent of the Design Review Guidelines.

Director's Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. The Director of DCLU has reviewed the decision and recommendations of the Design Review Board made by the four members present at the November 14, 2003 meeting, provided additional review and finds that proposal is consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. Therefore, the Director accepts the Design Review Board's recommendations and **APPROVES** the proposed design. The Master Use Permit (MUP) plans have been updated to incorporate the Board's recommendations.

ANALYSIS - SHORELINE SUBSTANTIAL DEVELOPMENT

Section 23.60.030 of the Seattle Municipal Code provides criteria for review of a shoreline substantial development permit and reads: *A substantial development permit shall be issued only when the development proposed is consistent with:*

- A. *The policies and procedures of Chapter 90.58 RCW;*
- B. *The regulations of this Chapter; and*
- C. *The provisions of Chapter 173-27 WAC*

Conditions may be attached to the approval of a permit as necessary to assure consistency of the proposed development with the Seattle Shoreline Master Program and the Shoreline Management Act.

Chapter 90.58 RCW is known as the Shoreline Management Act of 1971. It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy seeks to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary incidental rights. Permitted uses in the shorelines shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water. The proposed development and right-of-way improvements would not adversely impact the statewide interest of protecting the resources and ecology of the shoreline, and the improvements would provide for the continued operation of the commercial/recreational moorage that is dependent upon its location in a shoreline of the state. The subject application is consistent with the procedures outlined in RCW 90.58.

The Shoreline Management Act provides definitions and concepts, and gives primary responsibility for initiating and administering the regulatory program of the Act to local governments. The Department of Ecology is to primarily act in a supportive and review capacity, with primary emphasis on ensuring compliance with the policy and provisions of the Act. As a result of this Act, the City of Seattle adopted a local shoreline master program, codified in the Seattle Municipal Code at Chapter 23.60, that also incorporates the provisions of Chapter 173-27, WAC. Title 23 of the Municipal Code is also referred to as the Land Use and Zoning Code. Development on the shorelines of the state is not to be undertaken unless it is consistent with the policies and provisions of the Act, and with the local master program. The Act sets out procedures, such as

public notice and appeal requirements, and penalties for violating its provisions which have also been set forth in the Land Use Code.

In evaluating requests for substantial development permits, the Director must determine that a proposed use meets the relevant criteria set forth in the Land Use Code. The Shoreline Goals and Policies, part of the Seattle Comprehensive Plan, and the purpose and locational criteria for each shoreline environment must be considered. A proposal must be consistent with the general development standards of section 23.60.152, the specific standards of the shoreline environment and underlying zoning designation, any applicable special approval criteria, and the development standards for specific uses.

The proposed development actions occur on land classified as an upland lot (SMC 23.60.924) and is located within an Urban Residential (UR) shoreline environment. The residential improvement as proposed is a permitted use in the UR shoreline environment and the underlying L2 zone.

Shoreline Policies

All discretionary decisions in the shoreline district require consideration of the Shoreline Goals and Policies, which are part of the Seattle Comprehensive Plan's Land Use Element, and consideration of the purpose and locational criteria for each shoreline environment designation contained in SMC 23.60.220. The policies support an area objective for this portion of Puget Sound for residential use in a manner consistent with the Multi-family residential area policies (please refer to Land Use Policies L354 1.a.). The purpose of the Urban Residential (UR) environment as set forth in Section 23.60.220 C6 is to protect residential areas and establish location criteria areas with sufficient dry land lot area to allow for residential development totally on dry land.

SMC 23.60.152 - Development Standards for all Shoreline Environments

These general standards apply to all uses in the shoreline environments. They require that design and construction of all uses be conducted in an environmentally sound manner, consistent with the Shoreline Management Program and with best management practices for the specific use or activity. All shoreline development and uses are subject to the following:

- A. The location, design, construction and management of all shoreline developments and uses shall protect the quality and quantity of surface and ground water on and adjacent to the lot and shall adhere to the guidelines, policies, standards and regulations of applicable water quality management programs and regulatory agencies. Best management practices such as...fugitive dust controls and other good housekeeping measures to prevent contamination of land or water shall be required.
- B. Solid and liquid wastes and untreated effluents shall not enter any bodies of water or be discharged onto the land.
- C. Facilities, equipment and established procedures for the containment, recovery and mitigation of spilled petroleum products shall be provided at recreational marinas,

commercial moorage, vessel repair facilities, marine service stations and any use regularly servicing vessels....

- D. The release of oil, chemicals or other hazardous materials onto or into the water shall be prohibited. Equipment for the transportation, storage, handling or application of such materials shall be maintained in a safe and leak proof condition. If there is evidence of leakage, the further use of such equipment shall be suspended until the deficiency has been satisfactorily corrected.
- E. All shoreline developments and uses shall minimize any increases in surface runoff, and control, treat and release surface water runoff so that receiving water quality and shore properties and features are not adversely affected. Control measures may include, but are not limited to, dikes, catchbasins or settling ponds, interceptor drains and planted buffers.
- F. All shoreline developments and uses shall utilize permeable surfacing where practicable to minimize surface water accumulation and runoff.
- G. All shoreline developments and uses shall control erosion during project construction and operation.
- H. All shoreline developments and uses shall be located, designed, constructed and managed to avoid disturbance, minimize adverse impacts and protect fish and wildlife habitat conservation areas including, but not limited to, spawning, nesting, rearing and habitat areas, commercial and recreational shellfish areas, kelp and eel grass beds, and migratory routes. Where avoidance of adverse impacts is not practicable, project mitigation measures relating the type, quantity and extent of mitigation to the protection of species and habitat functions may be approved by the Director in consultation with state resource management agencies and federally recognized tribes.
- I. All shoreline developments and uses shall be located, designed, constructed and managed to minimize interference with or adverse impacts to beneficial natural shoreline processes such as water circulation, littoral drift, sand movement, erosion and accretion.
- J. All shoreline developments and uses shall be located, designed, constructed and managed in a manner that minimizes adverse impacts to surrounding land and water uses and is compatible with the affected area.
- K. Land clearing, grading, filling and alteration of natural drainage features and landforms shall be limited to the minimum necessary for development. Surfaces cleared of vegetation and not to be developed shall be replanted. Surface drainage systems or substantial earth modifications shall be professionally designed to prevent maintenance problems or adverse impacts on shoreline features.
- L. All shoreline development shall be located, constructed and operated so as not to be a hazard to public health and safety.
- M. All development activities shall be located and designed to minimize or prevent the need for shoreline defense and stabilization measures and flood protection works such as

bulkheads, other bank stabilization, landfills, levees, dikes, groins, jetties or substantial site regrades.

- N. All debris, overburden and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion from drainage, high water or other means into any water body.
- O. Navigation channels shall be kept free of hazardous or obstructing development or uses.
- P. No pier shall extend beyond the outer harbor or pierhead line except in Lake Union where piers shall not extend beyond the Construction Limit Line as shown in the Official Land Use Map, Chapter 23.32, or except where authorized by this chapter and by the State Department of Natural Resources and the U.S. Army Corps of Engineers.

As proposed, the project complies with the above shoreline development standards. Short-term construction related activities should have minimal effects on migratory fish routes.

The Stormwater, Grading and Drainage Control Code (SMC 22.800) places considerable emphasis on improving water quality. In conjunction with this effort DCLU developed Director's Rule 2000-16 to apply best management practices (BMPs) to prevent erosion and sedimentation from leaving construction sites or where construction will impact receiving waters. Therefore, approval of the substantial development permit will require application of construction best management practices (BMPs). Completion of the attachment to the Director's Rule and adherence to the measures outlined in the attachment shall constitute compliance with BMP measures.

SMC 23.60.600 – Development standards for the UR Environment

The proposal conforms to all of the development standards for the UR environment.

Conclusion

SMC Section 23.60.064 E provides authority for conditioning of shoreline substantial development permits as necessary to carry out the spirit and purpose of and assure compliance with the Seattle Shoreline Code, Chapter 23.60, and with RCW 90.58.020 (State policy and legislative findings).

WAC 173-27 establishes basic rules for the permit system to be adopted by local governments, pursuant to the language of RCW 90.58. It provides the framework for permits to be administered by local governments, including time requirements of permits, revisions to permits, notice of application, formats for permits, and provisions for review by the state's Department of Ecology (DOE). As the Seattle Shoreline Master Program has been approved by DOE, consistency with the criteria and procedures of SMC Chapter 23.60 is also consistency with WAC 173-27 and RCW 90.58.

Thus, the proposal is consistent with the criteria for a shoreline substantial development permit and may be approved.

DECISION - SHORELINE SUBSTANTIAL DEVELOPMENT

The Shoreline Substantial Development permit is **GRANTED**.

ANALYSIS – SEPA

The proposal site is located in a steep slope critical area, thus the application is not exempt from SEPA review. However, SMC 25.05.908 provides that the scope of environmental review of projects within critical area shall be limited to: 1) documenting whether the proposal is consistent with the City's Environmentally Critical Areas (ECA) regulations in SMC 25.09 and 2) Evaluating potentially significant impacts on the critical area resources not adequately addressed in the ECA regulations. This review includes identifying additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and applicable environmental laws.

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated September 28, 2002. The information in that checklist, public comment, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision.

The Department of Construction and Land Use has analyzed and annotated the environmental checklist submitted by the project applicant; reviewed the project plans and any additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action will result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The SEPA Overview Policy (SMC 23.05 665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* subject to some limitations. Under such limitations/circumstances (SMC 25.05.665D. 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate

Short -Term Impacts

The following temporary construction-related impacts are expected: 1) temporary soils erosion

and 2) increased vibration from construction operations and equipment. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05794).

City codes and/or ordinances apply to the proposal and will provide adequate mitigation for some of the identified impacts. Specifically these are: 1) Street Use Ordinance (tracking of mud onto public streets, and obstruction of rights-of-way during construction); 2) Building Code (construction measures in general); 3) Regulations for Environmentally Critical Areas; and 4) Stormwater, Grading and Drainage Control Ordinance (storm water runoff, temporary soil erosion, and site excavation).

Earth

The ECA Ordinance and Director's Rule (DR) 3-93 require submission of a soils report to evaluate the site conditions and provide recommendation for safe construction in areas with steep slopes, liquefaction zones, and/or a history of unstable soil conditions. Pursuant to this requirement the applicant submitted a geotechnical engineering study prepared by William Chang, P.E. dated October 27, 1994. The report evaluates the soil and site conditions and provides recommendations for erosion and drainage controls, slope stability, grading and earthwork and foundation construction. The construction plans, including shoring of excavations as needed and erosion control techniques with the Environmentally Critical Area Ordinance will be required prior to issuance of building permits.

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of materials. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

Long-term Impacts

Potential long-term impacts that may occur as a result of this project include: 1) increased surface water runoff from greater site coverage by impervious surfaces, and 2) increased demand on public services and utilities. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts are typical of multi-family development and will be mitigated by the City's adopted codes and/or ordinances. Specifically these are 1) Regulations for Environmentally Critical Areas; and 2) Stormwater, Grading and Drainage Control Ordinance (storm water runoff, temporary soil erosion, and site excavation).

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirements of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).

☐ Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

CONDITIONS - SEPA

None required.

CONDITIONS – DESIGN REVIEW (non-appealable)

1. The applicant must retain the fenestration, architectural features and elements, and arrangement of finish materials and colors presented to the Design Review Board on November 14, 2002.
- Compliance with this condition shall be verified and approved by Colin R. Vasquez, Land Use Planner, 684-5639 or by Design Review Manager (Architect Vincent T. Lyons, Design Review Manager, 206-233-3823 at a Pre-construction meeting. The purpose of the meeting will be to review the approved Design Review Plans and to inform the contractor that any changes to the exterior of the building must be reviewed and approved by the Land Use Planner prior to proceeding with any proposed changes.
- You must make an appointment with the assigned Land Use Planner or Design Review Manager at least (3) working days in advance of scheduling a date for a Pre-construction meeting.

Signature: (signature on file) Date: June 30, 2003
Colin R. Vasquez, Land Use Planner
Department of Design, Construction and Land Use

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